THE

MYSORE GAZETTE

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Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART II.

Notifications by the Judicial Commissioner, &c.

JUDICIAL DEPARTMENT.

NOTIFICATIONS.

The 2nd July 1875.

The following appeals and petitions have been posted for hearing in the Judicial Commissioner's Court on the following dates :—

Nos.	Appellants and Petitioners.	Respondents.	Date of Hearing.
S. A. S. No. 33	Mallikarjuna Wadér ...	Nanjegauda	3rd July 1875.
Do do 34	Havanna ...	Yellappa and others	Do
Civil Petition No. 17	Mrs. van Ingen ...	Mr. John Edwards	Do
Coorg S. A. S. No. 1	Rudraiya	Nanjamma and others ...	6th Do
Do do 2	Nabi Sabi ...	Safarji Sait ...	8th Do
S. R. C. No. 1	Nanjundappa ...	Budan Saib	Do
S. A. S. No. 36	John Muhammad Sait	Appasami Pille	13th Do
Mis. A. No. 3	Parvati Bayi ...	Krishan Narayan Dass ...	Do
S. A. S. No. 27	Sri Shatagopaswami ...	Nanjundaiya and others ...	20th Do
Do do 35	Sannegauda ...	Chinnaji Saib	Do
Do do 32	Ramanna	Syed Sekendar and others ...	22nd Do

The 11*th June* 1875.

With a view to remedy as far as possible any inconvenience which may be occasioned to parties and witnesses in Civil suits, owing to the great distance of the Head-quarters of some of the Munsiffs' Courts from the different parts of their jurisdiction, the following arrangements have been made with the approval of the Chief Commissioner for providing a system of Circuit Courts in the Nundydroog and Nagar Divisions, and they are hereby published for the information and guidance of the public and the Officers of the Government concerned; similar instructions with regard to the Courts of the Ashtagram Division having already been issued in Notification dated 9th March 1875, published at page 126 of the *Mysore Gazette* of the 13th idem.

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1. Every Munsiff in the Nundydroog and Nagar Divisions, (with the exception of the Munsiffs at Bangalore, Yelahanka, and Chintamani in the former Division who will always be at their Head-quarters) shall once in six or four months as specified below, hold his Court at each of the undermentioned places within his jurisdiction during the months hereunder noted against each place :—

Names of Districts.	Head-quarters of Munsiffs' Courts.	Places fixed for Circuit Courts.	Months during which the Circuit Courts should be held
Bangalore ...	Closepet	... Magadi	... April, August and December.
Kolar ...	1. Kolar	... Mulbagal	.. Do
	2. Chikballapur	.. Gudibanda	... Do
Túmkúr ...	1. Koratagere	... Sira	... Do
	2. Turuvekere	... Kunigal	... Do
Shimoga ...	1. Shimoga	... 1. Thirthahalli	... May and November.
		2. Channagiri	... February and August.
	2. Anantapur	... 1. Ságar	... February and August.
		2 Nagar	... May and November.
	3. Shikarpur	... 1. Sorab	... February and August.
		2. Nyamati	... May and November.
Chitaldroog ...	1. Chitaldroog	... 1. Hiriyur	... February and August.
		2. Hosdurga	... May and November.
	2. Davangere	... Jagalur	... January, May and September.
	3. Chalakere	... 1. Molkálmuru	... May and November.
		2. Pavagada	.. February and August.
Kadur ..	1. Chikmagalur	... 1. Balehonnur	... May and November.
		2. Hariharpur	... June and December.
	2. Kadur	... 1. Banavar	... February and August.
		2. Lakvalli	... May and November.

2. The Circuit Courts at each of the above mentioned places shall be opened on the first Monday of the month appointed as above for a circuit at that place, but when the first Monday is an authorized holiday, then the Court may be opened on the next working day.

3. These Circuit Courts shall ordinarily be held for a space of one month, and shall be devoted to the disposal of such suits and other matters as may arise within and about the area hereunder specified in the case of each Circuit Court :—

Circuit Courts.	*Approximate* limits of area to which the work of each Circuit Court must *ordinarily* be confined.
Magadi	... Magadi Taluk.
Mulbagal	... Mulbagal Taluk and the northern part of the Betmangala Taluk.
Gudibanda	... Gudibanda and Gumnayakanpalya Taluks and the northern part of the Goribidnur Taluk.
Sira	... Sira Taluk and the north-western portions of the Koratagere and Maddagiri Taluks.
Kunigal	... Kunigal Taluk and the southern portion of the Kadaba Taluk.
Tirthahalli	... Kavaledurga Taluk.
Channagiri	... Channagiri Taluk.
Ságar	... Ságar Taluk.
Nagar	... Nagar Taluk.
Sorab	... Sorab Taluk.
Nyamati	... The eastern part of the Shikarpur Sub-Division.
Hosdurga	... The Hosdurga Taluk, part of the Budihal Taluk, and the south-eastern parts of the Hiriyur Taluk.
Hiriyur	... The rest of the Hiriyur Taluk.
Jagalur	... Kankuppa Taluk.
Molkálmuru	... Molkálmuru Taluk.
Pávagada	... Pávagada Taluk.
Balehonnur	... The middle portion of the Chikmagalur Sub-Division.
Hariharpur	... Koppa Taluk, and parts of the Lakvalli Taluk.
Lakvalli	... Tarikere Taluk, and parts of the Lakvalli Taluk.
Banavar	... Banavar Taluk, and part of the Harnhalli Taluk.

Ordinarily, the judicial work of a Munsiff at a Circuit Court shall be confined within the limits above set forth, but this rule will not debar this Officer from disposing of any judicial work from any part of his jurisdiction at a Circuit Court, when the parties concerned expressly desire it, or when the urgency of any matter requires, in the interests of justice, immediate action. It is hoped that the Munsiffs will not, except on very good and satisfactory grounds, depart from the rule, nor must they, under any circumstances, so exercise their discretion as to interfere with the due disposal of the whole of the work of that particular portion of their jurisdiction for which the Circuit Court is specially intended.

Posting of Cases.

4. In posting regular and miscellaneous cases for hearing, very great care should be had to the foregoing rules. The whole judicial work of each Sub-Division should be carefully distributed for disposal at head-quarters and on circuits, with reference to the time during which the Court is held at the different places, the ordinary limits of the area for each circuit and the convenience of the parties and witnesses concerned. On the one hand, the disposal of cases should not be delayed till the time appointed for circuits, if such delay will entail real hardship on the parties seeking relief; while on the other hand every endeavour should be made to save defendants and witnesses the inconvenience of travelling long distances and also to avoid the expenses of suits being unduly swelled owing to the large amount of batta which have to be paid to witnesses from a distance.

Munsiffs must remember that, especially in suits of small values, distance and expense must be felt as a great hardship by parties.

Duration of Circuits.

5. The length of time during which a circuit should be held must depend upon the actual work for disposal. It must ordinarily extend to one month, and cases, &c., should be posted on this calculation. The actual state of the work at any circuit-sitting will justify a Munsiff in increasing or decreasing the length of such sitting by a period not exceeding one week, making a due report of the circumstance for the information of the Commissioner of the Division through the Deputy Commissioner.

Publication of Notices of Circuits.

6. Every Munsiff should on each occasion of his intended holding of a Circuit Court, cause to be posted conspicuously in his own head-quarters and Circuit Court-houses (at least one month before opening of such Circuit Court) a notice in Kanarese, specifying the date on which the Circuit Court would be opened. A copy of such notice should also be posted in the Deputy Commissioner's Court, and in the Taluk Cutcheries within his jurisdiction. The cause lists posted up in his Court (whether at head-quarters or on circuit) should, in addition to the usual information, specify the places where the causes will come on for hearing.

Circular Order No. 5, *dated* 16*th June* 1875.

From some cases which have recently come before the Judicial Commissioner, it is clear that the Amildars do not understand their duties as Magistrates in connection with a Police investigation and their position as to the Police. The following instructions are therefore issued for their guidance:—

1. The Amildar, when on the spot, is responsible for the proper performance of their duties by all Police Officers, whatever their rank, and he is bound to check any irregularity or misconduct, if necessary reporting it to the District Magistrate.

2. He should not interfere actively in the course of the Police proceedings or with the detective measures, except to enforce regularity and to repress abuse.

3. He should be most careful to prevent any thing like illtreatment to a prisoner, and, *as a rule*, should insist on every prisoner being sent in to the Magistrate having jurisdiction to deal with the case as soon as possible after arrest, and within 24 hours.

4. The Amildar is competent, under Section 124, Code of Criminal Procedure, to pass a *special* order authorizing a Police Officer to detain an accused person in custody for a longer period, but this power should not be lightly exercised. It is not because a Police Officer reports that he is likely to obtain some further clue in the case either to the detection of the other offenders or to the recovery of stolen property, that an Amildar should allow a special detention of the accused, but, before he exercises the power, he should require the Police Officer to satisfy him that there are some *good* grounds, not vague and indefinite hopes, of extracting some information out of the accused person under arrest, but something substantial which would justify such detention without fear of any suspicion of illtreatment or foul play.

5. The Amildar should recollect that the law is stringent on the subject, for, unless a Police Officer *obtains* a special order within 24 hours, he is bound to send the accused to the Magistrate having jurisdiction, if he believes that the accusation is well founded. The Police Officer may have applied for

6. If the Amildar considers that there are special reasons for passing a special order for detention of the accused person, he is bound *at once* to forward to the Magistrate of the District, or Division of the District, copy of his order and *his reasons* for making it.

7. The term for which detention is allowed should be moderate, and should be calculated according to the object which it is expected to attain. It should be as short as possible, and if the Amildar is on the spot, he should personally see that the prisoner is properly fed, and that he is well cared for, and is not illtreated beyond what is necessary to prevent his escape.

8. An Amildar is, under Section 122, competent to record a confession, but when a prisoner is brought to him for that purpose, he should first of all exclude all Police Officers, putting the accused in charge, temporarily, of his own peons. He should take every step to satisfy himself that the confession is voluntarily made. Every word should be *accurately* recorded, including the questions put by the Amildar to ascertain correctly the meaning of words used by the prisoner, or to obtain an intelligible narrative. The statement recorded should be read over to the prisoner, and he should be at liberty to explain or add to his answers; and he should then be asked if what has been recorded is the truth. He should next sign or mark the statement, and the Amildar should then affix the certificate required by Section 122 and sign it himself.

9. An Amildar should be especially careful in taking a confession given after the accused has been detained by the Police under a special order, and should repeatedly ask the accused if the statement is voluntarily made, for confessions made under such circumstances are not readily believed by those who have to try the case.

10. In issuing these instructions, the Judicial Commissioner wishes to impress on both Amildars and Police Officers that it is the duty of both to co-operate cordially in the interest of the public service, but while an Amildar should not officiously interfere with a Police investigation, he is bound to repress irregular conduct that may come to his notice, as well as to see that the procedure laid down for the Police is duly observed, and, as a Magistrate and Judicial Officer, he must exercise an independent judgment on the matters noticed, and not allow himself to be a tool in sanctioning illegal practices.

The 29th June 1875.

Notice is hereby given that, in accordance with the rules for the destruction of old Judicial records, all the documents, exhibits, accounts, &c., filed for reference or otherwise by parties to suits from the year 1853 to 1865 in the Lower Courts, the proceedings of which have been on appeal forwarded to this Court and which are now in this Office, will be destroyed on the 1st October 1875.

Parties desirous of receiving back any documents of value which they may have filed should apply to the Head Sheristadar in person or by an authorized agent before the date specified above, describing the documents required and the record in which they have been filed.

The 30th June 1875.

Notice is hereby given that all Munsiffs in this Province who have not passed the prescribed examination will be examined on Monday the 30th August next, and the following days in the subjects hereunder specified.

I
1. Evidence (Act I of 1872.)
2. Civil Procedure (Acts VIII of 1859 and XXIII of 1861.)
3. Civil Rules of Practice.

II
1. Indian Contract Act IX of 1872.
2. Collet's Torts and Measure of Damages.
3. Goldsmith's Manual of Equity, p. p. 55 to 249 and 267 to 301.

III
1. Hindu Law—Sir Thomas Strange's work, Vol. I and Strange's Manual.
2. Mahomedan Law—Shadagopa Charlu's Manual.

Each Candidate will be separately informed regarding the place where he should attend for the examination.

H. T. PRINSEP,
Offg. Judl. Commissioner.